

## **ORGANIZATIONAL STRUCTURE FOR PLAINTIFFS' COUNSEL**

### **VERTICAL COMMITTEES (BY FAMILY OF FUND)**

Administrative counsel (this role is played by lead counsel for the class action)

Lead counsel for fund derivative action

Lead counsel for parent derivative action (if any)

Lead counsel for parent investor action (if any)

Liaison counsel for state court claims (if any)

### **TRACK LEADERSHIP**

Chair/chief administrative counsel for the track

Court liaison counsel

### **HORIZONTAL COMMITTEE**<sup>1</sup>

Co-chairs/chief administrative counsel for the MDL as a whole

Administrative counsel for each family of funds

One representative - fund derivative actions<sup>2</sup>

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<sup>1</sup>We hope that Mr. Friedman will serve as a liaison *to* the horizontal committee to coordinate parallel state and federal proceedings.

<sup>2</sup>There is not to be a separate representative on the horizontal committee for every fund derivative action, parent derivative action, and parent investor action brought against each family of

One representative - parent derivative actions

One representative - parent investor actions

Court liaison counsel

**RESPONSIBILITIES WITHIN VERTICAL COMMITTEES**

Administrative counsel

- ! Serve as contact point for defense counsel on family of fund specific administrative issues, including requests for extension and other scheduling issues
- ! Draft and negotiate case management orders on family of fund specific issues
- ! Coordinate discovery<sup>3</sup>
- ! Serve as primary spokesperson in conferences and hearings on family of fund specific administrative issues
- ! Coordinate settlement discussions (may have greater role after damage allocation issues have been briefed, argued, and decided at an early stage of the litigation, perhaps with the anticipated motions to dismiss)

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funds. Rather, there is to be a single representative for these groups by subject matter.

<sup>3</sup>Administrative counsel has the responsibility for assigning discovery tasks. If lead counsel for claims other than the class claims believe that the assignments (or any other decisions made by administrative counsel) present a conflict, they may submit the issue to the court for resolution.

Lead counsel for different types of claims<sup>4</sup>

- ! Prepare pleadings and other court documents on issues specific to a particular type of claim and to a particular family of funds
- ! Argue family of fund specific issues during hearings
- ! Conduct discovery particular to claims as assigned by administrative counsel
- ! Represent clients' interests in internal discussions among plaintiffs' counsel
- ! Settlement role: to be further determined after damage allocation issues have been briefed, argued, and decided

Liaison counsel - state law claims

- ! Prepare court documents on state law issues specific to a particular family of funds
- ! Argue family of fund specific state law issues during hearings
- ! Conduct discovery particular to state law claims as assigned by administrative counsel
- ! Represent clients and other state claim plaintiffs in internal discussions among plaintiffs' counsel
- ! Settlement role: to be further determined after damage allocation issues have been briefed, argued, and decided

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<sup>4</sup>Administrative counsel serves this role for class claims.

**RESPONSIBILITIES OF TRACK LEADERSHIP**

Chair/chief administrative counsel for the track

- ! Serve as contact point for defense counsel on track-wide administrative issues (if any)
- ! Organize on plaintiffs' side monthly conference calls and other track-wide proceedings
- ! Serve as primary spokesperson in conferences and hearings on track-wide issues

Court liaison counsel

- ! Serve as contact to court on administrative matters

**RESPONSIBILITIES WITHIN HORIZONTAL COMMITTEE**

Co-chairs/chief administrative counsel for MDL as a whole

- ! Serve as contact point for defense counsel on MDL-wide administrative issues
- ! Draft and negotiate case management orders on MDL-wide issues
- ! Organize plaintiffs' side in MDL-wide hearings and other proceedings
- ! Coordinate cross-track and MDL-wide discovery
- ! Prepare omnibus memoranda and other court documents on MDL-wide class issues (in role as lead counsel for class claims)
- ! Designate counsel to make oral presentations on all MDL-wide class issues (in role as lead counsel for class claims)

Representatives of fund derivative, parent derivative, and parent investor actions

- ! Prepare omnibus memoranda and other court documents on MDL-wide issues within respective subject matter areas
- ! Designate counsel to make oral presentations on all MDL-wide issues within respective subject matter areas

Court liaison counsel

- ! Serve as contact to court on administrative matters